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7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ACUITY A MUTUAL INSURANCE
COMPANY, a Mutual Insurance Company,

11 Plaintiff,

12 vs.

13 SIGNATURE CONCRETE & COATINGS,
14 INC. doing business as SIGNATURE AIR
CONDITIONING AND HEATING, a
15 Nevada Corporation; KNIGHT SPECIALTY
INSURANCE COMPANY, a Delaware
16 Corporation, DOES 1 through 10, inclusive;
and ROE BUSINESS ENTITIES I through
17 X, inclusive,

18 Defendants.
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CASE NO: 2:23-cv-02099-JCM-BNW

20 **STIPULATION AND ORDER REGARDING KNIGHT SPECIALTY INSURANCE**
COMPANY'S EXTENSION OF TIME TO ANSWER PLAINTIFF'S COMPLAINT OR
21 **OTHERWISE PLEAD**

22 Defendants Knight Specialty Insurance Company, and Signature Concrete &
23 Coatings ("Defendants") and Plaintiff Acuity, a Mutual Insurance Company, by and
24 through their respective attorneys, jointly move this Court to extend the deadline for
25 Defendant Knight Specialty Insurance Company to answer Plaintiff's Complaint or
otherwise plead by March 8, 2024. In support thereof, the parties state as follows:

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28 **STIPULATION AND ORDER RE: KNIGHT SPECIALTY INSURANCE COMPANY'S**
EXTENSION OF TIME TO ANSWER PLAINTIFF'S COMPLAINT OR TO OTHERWISE PLEAD

1 1. On December 20, 2023, Plaintiff filed the subjection action in the U.S.
2 District Court, District of Nevada based on the Federal Declaratory Relief Act, 28 U.S.C.
3 § 2201(a) and on the diversity of the parties.

4 2. On January 12, 2024, Plaintiff had served the Resident Agent for Knight
5 Specialty Insurance Company. [ECF 21].

6 3. According to the Fed. R. Civ. P. Defendants have 21 days to Answer or
7 otherwise respond to the Complaint, which deadline expired on February 2, 2024.

8 4. On February 9, 2024, Plaintiff served Defendant Knight Specialty
9 Insurance Company with a Notice of Intent to Default granting an extension to Answer
10 until February 23, 2024. [ECF 8].

11 5. On February 21, 2024, counsel for Plaintiff received a call from the third-
12 party administrator for Knight Specialty Insurance Company seeking additional time to
13 Answer. Counsel extended the time to answer March 1, 2024.

14 6. On February 28, 2024, Counsel for Plaintiff received an email from the
15 undersigned asking for an additional extension.

16 7. Plaintiff's counsel granted an additional extension until March 8, 2024.

17 8. Fed. R. Civ. P. Rule 6(b)(1)(2) provides that a Court may, for good cause
18 shown, extend the time for an act to be done if a party makes such request before the
19 original time or prior extensions expire. Here, good cause exists. First, defense counsel
20 has actively investigated Plaintiff's claims since being retained but, despite those efforts,
21 will not be able to sufficiently prepare Defendants' defense to the claims before the
22 present deadline for answering the Complaint. Second, Plaintiff and Signature will not
23 be prejudiced by this extension to March 8, 2024. Third, this is these parties' first

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request for an extension of time and providing this extension will not impact any other dates in this case, given that the Court has not yet entered a scheduling order.

STIPULATED AND AGREED TO BY:

Dated this 1st day of March, 2024. Dated this _____ day of _____, 2024.

Bauman Loewe Witt & Maxwell, PLLC

Whitmire Law, PLLC

/s/ Michael C. Mills

[No response by time of filing.]

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Counsel for Defendant, Signature
Concrete and Coatings, Inc.

Dated this 1st day of March, 2024.

Litchfield Cavo LLP

/s/ Marisa A. Pocci, Esq.

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ORDER

IT IS SO ORDERED.

DATED this 5 day of March, 2024.



STIPULATION AND ORDER RE: KNIGHT SPECIALTY INSURANCE COMPANY'S
EXTENSION OF TIME TO ANSWER PLAINTIFF'S COMPLAINT OR TO OTHERWISE PLEAD